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STATUTORY INSTRUMENTS

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**2005 No. 1963**

**The Colleges of Education (Northern Ireland) Order 2005**

**PART II**

**THE COLLEGE**

*Power to discontinue college*

**Discontinuance of college**

- 10.**—(1) The Department may by order provide for the discontinuance of the college.
- (2) Before making any order under this Article, the Department shall consult—
- (a) the governing body; and
  - (b) such other persons as appear to the Department to be appropriate.
- (3) An order made under this Article shall—
- (a) contain provision for the winding-up of the governing body; and
  - (b) provide for the dissolution of that body on such date as is determined by or in accordance with the order.
- (4) An order made under this Article may include provision—
- (a) for the transfer of property, rights and liabilities of the governing body (including rights and liabilities under contracts of employment) to—
    - (i) the Department; or
    - (ii) subject to paragraph (5), such other body or person as may be specified in the order;
  - (b) for the payment by the Department of any expenses incurred in the winding-up of the governing body or the discontinuance of the college;
  - (c) imposing such duties, or conferring such additional powers, on the governing body in relation to the winding-up and discontinuance as the Department may consider appropriate;
  - (d) for the exercise of any of the governing body's functions by any member of that body specified in the order;
  - (e) for the appointment of a person to administer the winding-up and discontinuance, and for such person to have such functions as appear to the Department necessary or expedient for such purposes and are specified in the order;
  - (f) for the amendment or repeal of any statutory provision (including a provision contained in this Order);
  - (g) of such incidental, supplementary, transitional or ancillary nature as appears to the Department to be necessary or expedient for, or in connection with, the discontinuance of the college.

- (5) An order transferring any property, rights or liabilities to a person or body other than the Department—
- (a) shall not be made except with the consent of that person or body; and
  - (b) may impose such conditions as to the use or disposal of any property and rights so transferred as may be specified in the order.
- (6) Where land or other property was held on trust for the purposes of the college, an order under this Article may vest the property in the Department or another body or person beneficially or on such trusts as appear to the Department to be appropriate.
- (7) A transfer under this paragraph does not give rise to any liability to stamp duty or stamp duty land tax.
- (8) The making of an order under this Article shall not affect—
- (a) the power of the Department or the Department of Education to give directions to the governing body under Article 101 of the 1986 Order; or
  - (b) the duty of the governing body to comply with any directions so given.
- (9) Article 101 of the 1986 Order shall apply in relation to a person appointed under paragraph (4) (e) as it applies in relation to the governing body of the college.